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TC 1700

Practitioner's Dock t No. P-1118

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of _____
Inventor(s)for _____
Title of invention

OR

In re application of: FlessnerApplication No.: 10 / 049,744

Group Art Unit:

Filed: May 16, 2002

Examiner:

For: Process for Producing Catalysts by Acid Activation

Assistant Commissioner for Patents

Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. § 1.97(b).

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 11/1/2002

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Sherry A. Barnfield
SHERRY A. BARNFIELD

(type or print name of person certifying)

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

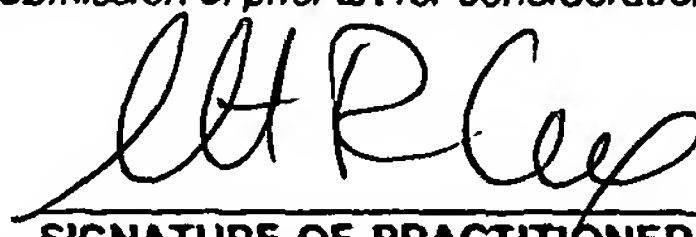
NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).



SIGNATURE OF PRACTITIONER

Reg. No.: 31,945

SCOTT R. COX

Tel. No.: (502 589-4215

(type or print name of practitioner)

Customer No.:

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P.O. Address

LOUISVILLE, KENTUCKY 40202

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office
Action [6-3]—page 2 of 2)

Practitioner's Dock # P-1118

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of _____
Inventor(s)for _____
Title of Invention

the specification of which is being transmitted herewith

OR

In re application of:

Serial No.: 10 / 049,744

Group No.: 1754

Filed: May 16, 2002

Examiner:

For: Process for Producing Catalysts by Acid Activation

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

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37 C.F.R. 1.8(a)

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Date: 11/1/2002SHERRY A. BARNEFIELD

(type or print name of person certifying)

WARNING: Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Information Disclosure Statement [8-1]—page 1 of 6)RECEIVED
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NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
 - (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or
 - (3) Before the mailing date of a first Office action on the merits, whichever event occurs last."
- 37 C.F.R. 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(b).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement; discard unused sections
and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ EPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statement

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

SEE INFORMATION DISCLOSURE STATEMENT

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
Sheet	1	of	1	Application Number Filing Date First Named Inventor Group Art Unit Examiner Name Attorney Docket Number	10/049,744 May 16, 2002 Flesher 1754 P-1118

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figure Acceptor
		Number	Kind Code ² (if known)			
		2464127		Gary	03/08/1948	
		2574895		Stecker	11/13/1951	
		2840618		Hecht	06/24/1958	
		3452056		Sundholm	06/24/1969	
		4193454		Goldstein	03/18/1980	
		4196102		Inooka, et al.	04/01/1980	
		Re 31,036		Inooka, et al.	09/21/1982	
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		4329257		Sommer, et al.	05/11/1982	
		4499319		Ballantine, et al.	02/12/1985	
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		4774213		Schneider, et al.	09/27/1988	
		5043511		Imai, et al.	08/27/1991	
		5672752		Lai, et al.	09/30/1997	
		3213037		Hodakiss	10/19/1965	
		4749808		Ballantine, et al.	06/07/1988	
		4579996		Font-Freidy, et al.	04/01/1986	
		4866020		Atkins, et al.	09/12/1989	
		41692425		Schneider, et al.	09/09/1987	
		4142994		Alafandi	03/06/1979	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figure Acceptor	T ³
		Office ²	Number ⁴	Kind Code ³ (if known)				
			EP 352878		Knowsley Contract Chem LTD	01/31/1990		
			JP 53030996		Chiyoda Chem Eng & Const Co (Abstract)	03/23/1978		
				</				

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of: :
Flessner :
Serial No. 10/049,744 ✓ : Art Unit:
Filed: May 16, 2002 ✓ : Examiner:
Attorney Docket No. P-1118 :
For: PROCESS FOR PRODUCING :
CATALYSTS BY ACID :
ACTIVATION :

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Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such. In accordance with 37 CFR §1.97(b), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. This information is submitted in compliance with 37 CFR §1.98.

References

US 2,464,127
US 2,574,895
US 2,840,618
US 3,452,056
US 4,193,454
US 4,196,102
Re 31,036
Re 31,038
Re 31,039
US 4,329,257

US 4,499,319
US 4,590,294
US 4,774,213
US 5,043,511
US 5,672,752

DE 1 271 682 (US equivalent 3,213,037)

EP 031 252 (US equivalents 4,749,808 and 4,499,319)
EP 144 219 (US equivalent 4,579,996)
EP 284 397 (US equivalent 4,866,020)
EP 352 878 (Abstract)
EP 925 829 (US equivalent 4,692,425)

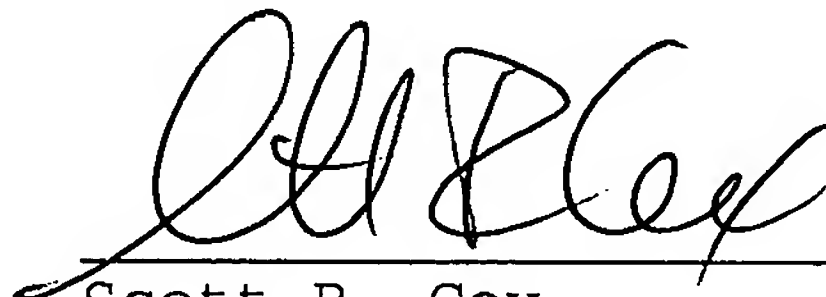
JP 5 303 0996 (Abstract)

WO 94/29020 (US equivalent 4,142,994)

Laszlo, et al., "Catalysis of Friedel-Crafts Alkylation by a Montmorillonite Doped with Transition-Metal Cations," *Helvetica Chimica Acta* Vol. 70 (1987)

Cativuela, et al., "Clay-catalyzed Friedel-Crafts alkylation of anisole with dienes," *Applied Catalysis A: General* 123 (1995) 273-287

Respectfully submitted,

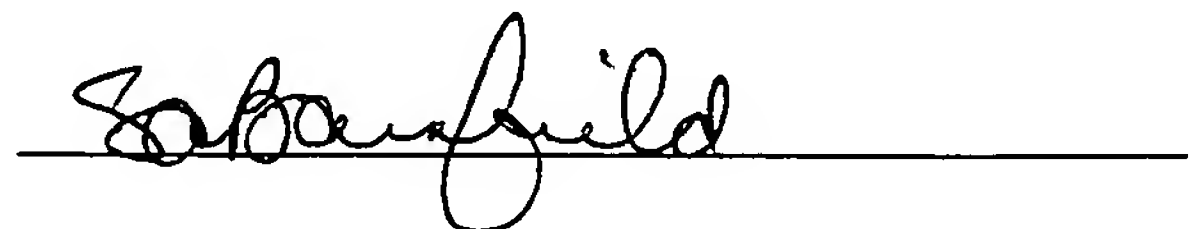


Scott R. Cox
Reg. No. 31,945
LYNCH, COX, GILMAN & MAHAN, P.S.C.
400 West Market, Suite 2200
Louisville, Kentucky 40202
(502) 589-4215

CERTIFICATE OF SERVICE

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93420 10/29/2002

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this statement is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

- ☒ supplied by the inventor(s).
☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. 1.56(c))
☒ in the practitioner's file.



SIGNATURE OF PRACTITIONER

Scott R. Cox
(type or print name of practitioner)

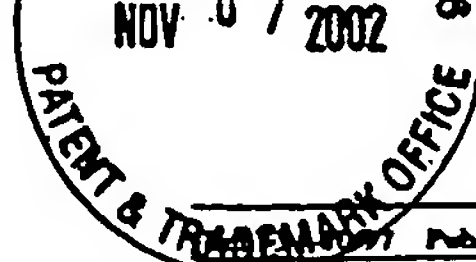
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Substitute for form 1449B/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	10/049,744
		Filing Date	May 16, 2002
		First Named Inventor	Flessner
		Group Art Unit	1754
		Examiner Name	
Sheet 1 of 1	Attorney Docket Number	P-1118	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Laszlo, et al., "Catalysis of Friedel-Crafts Alkylation by a Montmorillonite Doped with Transition-Metal Cations," <i>Helvetica Chimica Acta</i> Vol. 70 (1987)	
		Cativuela, et al., "Clay-catalyzed Friedel-Crafts alkylation of anisole with dienes," <i>Applied Catalysis A: General</i> 123 (1995) 273-287	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 908. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

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